

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

RowVaughn Wells, Individually and as
Administratrix Ad Litem of the Estate of
Tyre Deandre Nichols, deceased.

Plaintiff,

v.

Case No.: 2:23-cv-2224

JURY DEMANDED

The City of Memphis, Tennessee; Chief
Cerelyn Davis; Emmitt Martin III;
Demetrius Haley; Justin Smith;
Desmond Mills, Jr.; Tadarrius Bean;
Preston Hemphill; Robert Long;
JaMichael Sandridge; Michelle Whitaker;
DeWayne Smith,

Defendants.

**DEFENDANT MICHELLE WHITAKER’S RESPONSE IN OPPOSITION TO
PLAINTIFF’S MOTION TO CONTINUE JULY 23, 2025 HEARING AND IN PARTIAL
OPPOSITION TO THE REQUEST FOR A REMOTE HEARING**

COMES NOW, Defendant, Michelle Whitaker (hereinafter referred to as “Defendant Whitaker”), by and through undersigned counsel of record, and submits this Response In Opposition to Plaintiff’s Motion to Continue July 23, 2025 Hearing or Order Remote Hearing (ECF. 448). Defendant Whitaker states to the Court as follows:

That portion of Plaintiff’s Motion requesting a continuance of the July 23, 2025 Hearing should be denied. The docket sheet in this case readily demonstrates that dozens of different lawyers have entered Notices of Appearance on behalf of parties in these proceedings. Finding a “perfect” time on short notice to conduct a status hearing when all counsel are available to appear

in-person and when no attorney has a calendar conflict is virtually an impossible task, especially during the summer months.

As a result, Defendant Whitaker does not oppose parties appearing remotely if they have a calendar conflict and cannot attend the hearing in-person. However, Defendant Whitaker opposes that portion of the motion that requests a “remote hearing” – only. The representation in the motion that Plaintiff’s will be disadvantaged and not on “equal-footing” with other parties who appear in-person is not warranted or accurate. Rather, Defendant Whitaker submits the status hearing should be conducted in-person, but should allow attorneys who have calendar conflicts to appear remotely. Defendant Whitaker further submits this is the most efficient and fairest way to keep this case moving.

Respectfully submitted,

SPENCE PARTNERS

By: /s/ Robert L. J. Spence, Jr.
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Attorneys for Defendant Whitaker

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July 2025, true and correct copy of the foregoing has been filed with the Court via the Court’s ECF system, and that upon filing, a copy will be sent via the Court’s ECF system to all counsel of record.

/s/ Robert L.J. Spence, Jr.